

TFW

Attorney Docket No. P094

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Dated: 12-8-06

Signature: *Abby Berghella* (Abby Berghella)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: John F. Shanley et al.

Serial No.: 10/822,063

Art Unit: 3731

Filed: April 8, 2004

Examiner: Unassigned

For: BIORESORBABLE STENT
WITH BENEFICIAL AGENT
RESERVOIRS

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:

1a. ☒ A PTO-Form 1449 listing all patents, publications, applications, or other information submitted for consideration by the office.

1b. A legible copy of:

☒ Each publication and foreign patent reference;

☐ Each publication or that portion which caused it to be listed on the PTO-1449;

☐ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;

☐ all other information or portion which caused it to be listed on the PTO-1449.

2. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):
- ☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
 - ☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
 - ☒ Before the mailing of the first Office action on the merits;
 - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.
- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
- ☐ enclosed
4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.
- The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:
- ☐ enclosed.

The Certification Statement in Item 5 below is applicable.

5. ☐ Certification Statement (applicable if Item 3a or Item 4 is checked)
- 5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 5c. ☐ Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any

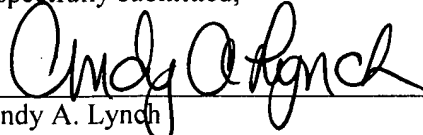
Application No. 10/822,063
Attorney Docket No. P094

individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.

6. ☒ This application is a Continuation-in-Part application under 37 C.F.R. §1.60 or §1.53(b) or (d).
- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
- 6b. ☒ Copies of publications listed on Form PTO-1449 from prior application Serial Nos. 10/057,414, 10/777,881 and 10/447,587 from which this application claims priority are not being submitted pursuant to 37 C.F.R. §1.98(d), however the Examiner should consider this information in accordance with MPEP §609(I)(A)(2).
- 6c. ☐ Copies of the foreign patents and publications listed on Form PTO-1449 are provided herewith.
7. ☐ This is a Supplemental Information Disclosure Statement.
- 7a. ☐ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on . A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on .
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Conor Medsystems, Inc. Deposit Account No. 50-3100.

10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

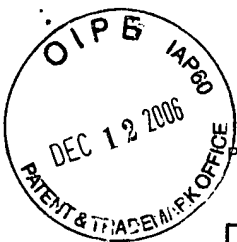
Respectfully submitted,



Date: December 8, 2006

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Application No. 10/822,063
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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/822,063
		Filing Date	April 8, 2004
		First Named Inventor	John F. Shanley
		Group Art Unit	3731
		Examiner Name	Unassigned
Total Number of Pages in This Submission	7	Attorney Docket Number	P094

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form + duplicate for fee processing (2 pages)	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Executed Declaration and Power of Attorney (2 pages)	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Return postcard
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	2. Six (6) References
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Copy of Notice to File Missing Parts (2 pages)		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	Conor Medsystems, Inc. Cindy A. Lynch .38,699
Signature	
Date	December 8, 2006

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Dated: 12-8-06	Signature:	(Abby Berghella)

Substitute for forms 1449A/PTO & 1449B/PTO

**FIRST INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Attorney's Dkt. No.

P094

Application No.

10/822,063

Applicant

John F. Shanley et al.

Filing Date

April 8, 2004

Group

3731

U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (mm-dd-yyyy)
	US-20040093067		Israel	
	US-20040220660		Shanley, et al.	
	US-20050119720		Gale et al.	
	US-20050137678		Varma	
	US-20050137683		Yamit et al.	
	US-20050234538		Litvack, et al.	
	US-5139480		Hickle et al.	
	US-5419760		Narciso	
	US-5464450		Buscemi et al.	
	US-5500013		Buscemi et al.	
	US-5769883		Buscemi et al.	
	US-6387124		Buscemi et al.	
	US-6852123		Brown	
	US-6869443		Buscemi et al.	

Examiner
Initials

Date
Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and considered. Include copy of this form with next communication to applicant. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313.

Substitute for forms 1449A/PTO & 1449B/PTO

FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Country	Publication Date (mm-dd-yyyy)	Translation	
					Yes	No
	EP-770401		EPO	11/20/2002		
	WO-05003937		PCT	1/13/2005		
	WO-05102220		PCT	11/3/2005		
	WO-05120397		PCT	12/22/2005		
	WO-05118971		PCT	12/15/2005		
	WO-9306792		PCT	4/15/1993		

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